



## Planning & Regulation Committee Monday, 22 June 2015

### ADDENDA

#### 3. Apologies for Absence and Temporary Appointments

Apology	Temporary Appointment
Councillor Stewart Lilly Councillor Bob Johnston Councillor Glynis Phillips	Councillor Lawrie Stratford Councillor Jenny Hannaby Councillor John Sanders

#### 6. Petitions and Public Address

Speaker	Item
Peter Hore (Woodeaton Parish Council) Brian Henman (Neighbour to the Development Site) Suzi Coyne (Agent for the Applicant)	) ) 8. Construction of haul road and ) widening of existing field entrance for ) temporary use in restoration of ) Woodeaton Quarry – MW.0149/14 )

**8. Construction of haul road and widening of existing field entrance for temporary use in restoration of Woodeaton Quarry - Application No. MW.0149/14**

*Representations from Councillor Tim Hallchurch (Otmoor Division)*

*Email 18 June 2015* - I have spoken again to Brian Henman of Pegtop Farm and he states that there is no reason why they cannot use the existing farm track, as shown on the map, without having to build a new track. Mr Henman states that they were in negotiation in 2012 but he has heard no more. He would be pleased to negotiate use of the existing farm track and avoid the necessity to build another track, cut down trees and to damage the Roman villa and having to remove the track after the work is complete.

*Email 19 June 2015* - Following my email yesterday stating that Brian Henman had not refused the use of his track and would be quite happy for it to be used subject to an agreement with McKenna. I have also noted that the map showing the existing track and the propose track is incorrect. They are not running alongside each other from the road and I cannot see any justification for needing a new track that may endanger the Roman Temple site and require a new entrance onto the B4027.

*Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)*

1. It has been realised that the committee plans on pages 26 & 27 of the committee report do not show the proposed haul road meeting the public highway at the correct location on the B4027. Copies of the site plan submitted with the application showing the correct location have been forwarded to members of the committee and copies of the application plan will be circulated at the committee and shown in the officer's Powerpoint presentation.
2. Paragraph 10 correction - the Section 106 legal agreement for application no. MW.0015/12 has been completed but the routeing agreement has not been completed.
3. The proposed new haul road crosses a scheduled ancient monument site. Concern has been raised at the damage which would be caused to this. As well as planning needing planning permission for the haul road, Scheduled Ancient Monument from the Secretary of State for Culture, Media and Sport (via English Heritage – now known as Historic England) is also required and this was granted on 17<sup>th</sup> December 2014. Historic England has no objection to the application. The County Archaeological officer has also been consulted on the application and has raised no objection subject to the conditions as set out on pages 23 and 24 of the committee report.
4. Concern has been raised that the applicant and the owner of the existing northern access haul road proposed under application no. MW.0015/12 to serve the landfilling of the quarry should be able to reach agreement on the

use of that road so that the haul road proposed in this application is not required and that consideration of the application proposed today should be deferred to allow more time for negotiation between them. Whilst the concern is appreciated, the contractual negotiations between the applicant and a third party are not a planning consideration and it would not be appropriate to defer consideration of the application to allow more time for further negotiations. The haul road as set out in application no. MW.0149/14 must be considered on its own merits as set out in paragraphs 37 to 39 of the committee report. If there is no sustainable reason for refusal to the application then it should be approved subject to conditions including that it should only be used should the northern access haul road currently set out in application no. MW.0015/12 not be used.

5. Concerns have also been raised by local residents with regard to the fencing of the existing quarry the subject of application no. MW.0015/12 not being adequate for health and safety reasons. I would advise members that agenda item 8 relates principally to the application for the new access road proposed under application no. MW.0149/14 and is not intended to re-open the debate on application no. MW.0015/12 other insofar as it may require amendment should the committee be minded to approve the new access road application. The fencing for public safety reasons of disused quarries is covered under S.151, Part XIII of the Mines & Quarries Act 1954 and failure to do so would be a statutory nuisance under Part III of the Environmental Protection Act 1990. The duty to enforce this requirement falls to the District Councils as environmental health authorities. The County Council should not seek to duplicate this control as waste planning authority. The existing quarry permission requires the maintenance of stockproof fencing. Your officers received a complaint with regard to this fencing earlier this year and contacted the quarry owner who then repaired the damage fencing. This fencing appears to suffer from periodic damage by unknown parties.
6. Concern has been raised by local residents that as the applicant does not own his own haulage fleet, the requirements of the routeing agreement and other conditions attached to any planning permission could not be complied with. Routeing agreements are used elsewhere at sites where the operator does not necessarily own their own haulage vehicles and where the sites are also used by third parties. Compliance with the routeing agreement and with conditions of any planning permission granted would apply and regardless of the ownership of the vehicles visiting the quarry.

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